

(2025) 07 DEL CK 0833
In the Delhi High Court
Case No : Writ Petition (Crl) No.1028 Of 2025

Sagir

APPELLANT

Vs

State (Nct Of Delhi) & Ors

RESPONDENT

Date of Decision : 08-07-2025

Acts Referred:

Indian Penal Code, 1860 — Section 302, 366, 376, 377, 511

Citation : (2025) 07 DEL CK 0833

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Gunjan Sinha Jain, Amol Sinha, Kshitiz Garg

Final Decision : Allowed

Judgement

Girish Kathpalia, J

1. The petitioner has assailed findings of the Sentence Review Board (SRB) which met on 30.08.2024 and 18.09.2024, whereby his plea for pre-mature release was rejected. The petitioner has also prayed for mandamus for his pre-mature release forthwith.

2. I have heard the learned counsel for petitioner as well as learned Addl. Standing Counsel on behalf of respondents.

3. Broadly speaking, the petitioner is undergoing life imprisonment in case FIR No. 360/2003 of PS Gandhi Nagar for offences under Section 302/366/376/377/511 IPC for kidnapping, rape and murder of 8 year' old girl. The petitioner has undergone imprisonment for more than 20 years eight months as on date without remission; and for a period of more than 24 years with remission. Case of the petitioner for pre-mature release was considered by the SRB in terms with the policy of 2004.

4. It is contended by the learned counsel for the petitioner that the impugned decision of SRB is not sustainable in law on account of the same being

completely unreasoned and mechanical. Learned ASC, in all fairness, expresses inability to support the impugned decision, on account of it being not based on relevant factors.

5. It appears that the SRB considered the reports received from police and social welfare department, but neither those reports have been placed on record nor even a gist thereof has been narrated in the impugned decision.

6. It further appears that the only factor which operated in the mind of the members of the SRB was the gruesome nature of the crime committed by the petitioner. Of course, the crime committed by the petitioner was gruesome. But for that he has been awarded life imprisonment and has already spent 24 years in jail. The punishment for a crime also must have its limits, lest the punishment in itself became wrong, being non-productive. Purpose of punishment has to be reformation of the criminal and not an endless, meaningless incarceration. Even the policy of 2004 has various parameters on which the case of a convict has to be tested. From the impugned decision, it is not possible to make out as to whether those parameters were applied or not.

7. Learned counsel for petitioner has also referred to the judgment of this bench in the case of *Vikram Yadav vs. State Govt. of NCT of Delhi*, 2025: DHC: 4946 and it is contended that the criteria laid down in the said judgment was not adopted.

8. Learned ASC, in all fairness assures that if the impugned decision is set aside, the case of the petitioner shall be considered afresh in the next meeting of the SRB, which is scheduled within next four months.

9. In view of the above circumstances, the impugned order dated 04.12.2024 accepting the recommendations of meetings dated 30.08.2024 and 18.09.2024 of SRB qua the petitioner is set aside and respondent no.1 is directed to reconsider the case of the petitioner by convening SRB meeting within four months from today.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the petitioner.